

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE APRIL 29, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 13, 2010

SENATE BILL

No. 1174

**Introduced by Senator Wolk
(Principal coauthor: Senator Price)**

February 18, 2010

An act to add Section 65302.10 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, Wolk. Land use: general plan: ~~disadvantaged unincorporated communities~~. *Future Sustainable Communities Pilot Project.*

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including, among others, a housing element for the preservation, improvement, and development of the community's housing.

Existing law requires the Strategic Growth Council to manage and award financial assistance to specified regional and local governments to support the planning and development of sustainable communities, as specified, from bond funds made available through the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

~~This bill would require, prior to January 1, 2013, and thereafter upon each revision of its housing element, establish the Future Sustainable Communities Pilot Project. The bill would require a city or county to review and update one or more elements of its general plan, as necessary with a disadvantaged unincorporated community, as defined, inside or near its boundaries to apply to the Strategic Growth Council, as specified, to receive the financial assistance necessary to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community. The bill would require, upon receipt of the financial assistance from the council, the city or county to review, prepare, and adopt amendments to one or more elements of its general plan, as necessary to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of island, fringe, or legacy unincorporated communities, respectively as defined, inside or near its boundaries, and to incorporate into the general plan specified purposes relating to the establishment of sustainable communities. The bill would also require the updated general plan to include specified information. This bill would also further require the city or county to make a diligent effort to involve all members of the public in preparing the review and update of the general plan. By adding to the duties of city and county officials a city or county with a disadvantaged unincorporated community inside or near its boundaries, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Hundreds of disadvantaged unincorporated communities,
- 4 commonly referred to as “colonias,” exist in California. There are
- 5 more than 200 of these communities in the San Joaquin Valley
- 6 alone. Many of these communities are geographically isolated

1 islands, surrounded by the city limits of large and medium-sized
2 cities.

3 (2) Conditions within these disadvantaged unincorporated
4 communities evidence a distinct lack of public and private
5 investment that threatens the health and safety of the residents of
6 these communities and fosters economic, social, and educational
7 inequality. Many of these communities lack basic infrastructure,
8 including, but not limited to, streets, sidewalks, storm drainage,
9 clean drinking water, and adequate sewer service.

10 ~~(b) It is the intent of the Legislature to encourage investment in~~
11 ~~these communities and address the complex legal, financial, and~~
12 ~~political barriers that contribute to regional inequity and~~
13 ~~infrastructure deficits within disadvantaged unincorporated~~
14 ~~communities.~~

15 (3) *Proposition 84, as implemented by Chapter 729 of the*
16 *Statutes of 2008, provides bond funds to support the planning and*
17 *development of sustainable communities, and requires the Strategic*
18 *Growth Council to manage and award financial assistance from*
19 *those funds for planning that (A) improves air and water quality,*
20 *(B) improves natural resource protection, (C) increases the*
21 *availability of affordable housing, (D) improves transportation,*
22 *(E) reduces greenhouse gas emissions, and (F) encourages*
23 *sustainable land use.*

24 (4) *Given the need for investment in infrastructure in*
25 *California's disadvantaged unincorporated communities, and the*
26 *need to plan for, and to invest in the creation of, sustainable*
27 *communities, a policy that unites those goals to address them*
28 *concurrently is in the best interest of the people of California.*

29 (b) *It is the intent of the Legislature to encourage each city and*
30 *county, through participation in the Future Sustainable*
31 *Communities Pilot Project or otherwise, to identify disadvantaged*
32 *communities and ways to improve the conditions that exist within*
33 *them, and to review and update its general plan to address and*
34 *improve those conditions, while concurrently implementing the*
35 *purposes set forth in Proposition 84 and Chapter 729 of the*
36 *Statutes of 2008.*

37 SEC. 2. Section 65302.10 is added to the Government Code,
38 to read:

39 65302.10. (a) As used in this section, the following terms shall
40 have the following meanings:

(1) “Disadvantaged unincorporated community” means a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income.

(2) “Unincorporated fringe community” means any inhabited and unincorporated territory that is within a city’s sphere of influence.

(3) “Unincorporated island community” means any inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean.

(4) “Unincorporated legacy community” means a geographically isolated community that is inhabited and has existed for at least 50 years.

~~(b) Prior to January 1, 2013, and thereafter upon each revision of its housing element made pursuant to Section 65588, the legislative body of a city or county shall review and update one or more elements of its general plan as necessary to include data~~

(b) There is hereby established the Future Sustainable Communities Pilot Project. Pursuant to the project, a city or county with a disadvantaged unincorporated community inside or near its boundaries shall apply to the Strategic Growth Council, pursuant to subdivision (a) of Section 75128 of the Public Resources Code, to receive the financial assistance necessary to update the city’s or county’s general plan in order to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community. Upon receipt of financial assistance from the Strategic Growth Council, the planning agency of the city or county shall review and prepare, and the legislative body of the city or county shall adopt, amendments to one or more elements of the city or county general plan as necessary to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of unincorporated island, fringe, or legacy communities inside or near its the city’s or county’s boundaries, and the to incorporate in the general plan the purposes set forth in subdivision (a) of Section 75128 of the Public Resources Code, in order to facilitate the transformation of the disadvantaged unincorporated communities into sustainable communities. The updated general plan shall include all of the following:

1 (1) In the case of a city, an identification of each unincorporated
2 island or fringe community, or in the case of a county, of each
3 legacy community. This identification shall include a description
4 of the community and a map designating its location.

5 (2) For each identified community, an analysis of all of the
6 following:

7 (A) The extent to which households in the community lack
8 access to sanitary sewer service, *the extent to which improved*
9 *sanitary sewer service would improve water quality, water*
10 *conservation, and natural resource protection, and the extent to*
11 *which it would encourage sustainable land use, allow for greater*
12 *infill and compact development, and revitalize urban community*
13 *centers.*

14 (B) The extent to which households in the community lack
15 access to municipal water service, *the extent to which municipal*
16 *water service would improve water quality, water conservation,*
17 *and natural resource protection, and the extent to which it would*
18 *encourage sustainable land use, allow for greater infill and*
19 *compact development, and revitalize urban community centers.*

20 (C) The extent to which the community lacks ~~one or more of~~
21 ~~the following:~~

22 ~~(i) Paved roads.~~

23 ~~(ii) Storm drainage.~~

24 ~~(iii) Sidewalks.~~

25 ~~(iv) Street lighting.~~ *paved roads, storm drainage, sidewalks,*
26 *and street lighting, and the extent to which improvement in those*
27 *areas would encourage sustainable land use, allow for greater*
28 *infill and compact development, and revitalize urban community*
29 *centers.*

30 (3) An analysis of the city's or county's current programs and
31 activities to address the conditions or deficiencies described in
32 paragraph (2), and an identification of any constraints to addressing
33 those conditions or deficiencies *in a manner consistent with the*
34 *purposes set forth in subdivision (a) of Section 75128 of the Public*
35 *Resources Code.* The analysis shall evaluate whether annexation
36 of, or extension of service to, any identified island or fringe
37 community is appropriate.

38 (4) A statement setting forth the city's or county's specific,
39 quantified goals, *taking into consideration, and giving maximum*
40 *effect to, the purposes set forth in subdivision (a) of Section 75128*

1 *of the Public Resources Code*, for eliminating or reducing the
2 conditions or deficiencies described in paragraph (2) and found to
3 be present in an unincorporated island, fringe, or legacy community
4 within or proximate to the boundaries of the city or county.

5 (5) A set of flexible implementation measures designed to carry
6 out the goals described in paragraph (4), including an identification
7 of resources and a timeline of actions.

8 (c) In preparing the review and update required by this section,
9 the city or county shall make a diligent effort to involve all
10 members of the public, including, but not limited to, residents of
11 the island, fringe, or legacy communities.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 a local agency or school district has the authority to levy service
15 charges, fees, or assessments sufficient to pay for the program or
16 level of service mandated by this act, within the meaning of Section
17 17556 of the Government Code.